

U. S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
FEB 27 1976

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

~~MISCELLANEOUS ORDER NO. 1016~~

Miscellaneous Order #12

JOSEPH McELROY, JR., CLERK
BY *B. Barker* Deputy

ORDER PROVIDING FOR THE FIXING OF CONDITIONS OF RELEASE

It appears to the Court that provisions of the Bail Reform Act of 1966, 18 U.S.C. §§ 3131 et seq., require that conditions of release be fixed by the judicial officer before whom an accused has been brought, following his arrest, at a hearing conducted for that purpose.

It further appears to the Court that pursuant to the provisions of 18 U.S.C. §§ 3152 et seq. a Pretrial Services Agency has been established in this district, with such agency possessing certain powers and functions outlined in 18 U.S.C. § 3154 and other statutory provisions, designed to assist the Judge or Magistrate before whom an accused has been brought in fixing appropriate conditions of release, and, additionally, to maintain effective supervision and control over, and to provide supportive services to defendants released under Chapter 207 of Title 18, United States Code, 18 U.S.C. §§ 3141 et seq.

It further appears to the Court that, in order to aid the Pretrial Services Agency in the discharge of its functions, and to enable the Court to receive the maximum benefits resulting from the services of that agency, the following procedure should be followed by the Judge or Magistrate before whom an accused has been brought following his arrest, whether he be charged in this district or elsewhere.

IT IS, THEREFORE, ORDERED that:

1. The judicial officer before whom an accused has been brought following his arrest shall fix all conditions on which the accused may be released, whether he be charged in this district or elsewhere.

2. The conditions fixed by the judicial officer shall be evidenced by a written order executed by him at the time of fixing the conditions and following a hearing conducted for that purpose, as provided in 18 U.S.C. § 3146.

3. In fixing the conditions the judicial officer shall consider and take into account all of the circumstances enumerated in 18 U.S.C. § 3146(b). He shall carefully consider any recommendations presented by the defendant or his attorney, the attorney for the Government, and the Pretrial Services Agency.

4. The judicial officer shall receive, consider, and retain all reports submitted by the Pretrial Services Agency in pursuance of their statutory function, including any supplemental or modified reports. The substance of those reports shall be made available to the defendant or his counsel and shall be used only for the purpose of fixing conditions of release, including bail determination. Otherwise they shall remain confidential, as provided in 18 U.S.C. § 3154. Provided, however, that the amount of bail fixed by a District Judge in a distant district cannot be altered, amended or reduced by a judicial officer in this district without the consent, written or oral, of said District Judge in the district where the charges are pending. Thereafter, a copy of this Order shall be transmitted to the Clerk of the Court in that district, along with other papers in the case, as is required by the provisions of Rule 40, F.R.Cr.P.

ENTERED, en banc, this 27th day of February, 1976.


CHIEF JUDGE, UNITED STATES DISTRICT COURT


UNITED STATES DISTRICT JUDGE


UNITED STATES DISTRICT JUDGE


UNITED STATES DISTRICT JUDGE


UNITED STATES DISTRICT JUDGE


UNITED STATES DISTRICT JUDGE